HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO.9464 OF 1996

Between:

G.Nageshwara Rao

. . .Petitioner

AND

The District Collector,
Khammam and another

. . .Respondents

Counsel for the petitioner : Shri L.Ravi Kumar
for Shri P.Keshava Rao

Counsel for the respondent No.1 : Government Pleader for
Land Acquisition

Counsel for the respondent No.2 : Shri
P.Radhakrishnamurthy

Dated: 28th June, 2006

: ORDER :

In this petition, petitioner has prayed for quashing action of the respondents to deprive him of land measuring 10 x 88 sq.yards comprised in Survey No.711 situated at Paloncha, Khammam District.

There is no dispute between the parties that petitioner is owner of the land in question. According to him, entire extent of land (width 30 feet) has been forcibly utilized by the respondents for construction of road without acquiring the same and without paying compensation.

Learned counsel for Paloncha Municipality (respondent No.2) fairly says that the petitioner is entitled to appropriate and adequate compensation in lieu of utilization of his land for construction of road by the Gram Panchayat i.e. predecessor of the Municipality. He submits that the petitioner may make representation to the authorities of Paloncha Municipality for payment of compensation and the same will be decided as early as possible and compensation will be paid to him.

In view of the fair stand taken by learned counsel for the Municipality, the writ petition is disposed of with the following directions:

i) Within fifteen days from today, the petitioner may make representation to Commissioner, Paloncha Municipality for payment of compensation in lieu of utilization of his land for laying and construction of road.

ii) Within next four months, the concerned authority shall determine the compensation payable to the petitioner and pay the amount found due to him.

iii) If petitioner is aggrieved by the determination made by the competent authority, then he shall be free to avail appropriate legal remedy.

G.S.SINGHVI, CJ

Date: 28.06.2006

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